



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY SOUTHWEST REGIONAL OFFICE

L. Preston Bryant, Jr.
Secretary of Natural Resources

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David K. Paylor
Director

Dallas R. Sizemore
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION AMENDMENT TO SPECIAL ORDER BY CONSENT ISSUED TO TOWN OF BIG STONE GAP BIG STONE GAP WASTEWATER TREATMENT PLANT VPDES PERMIT NO. VA0020940

SECTION A: Purpose

This is an Amendment to a Special Order by Consent issued under the authority of Va. Code §§ 62.1-44.15 (8a), between the State Water Control Board and the Town of Big Stone Gap, for the purpose of resolving certain violations of environmental law and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Code § 10.1-1183.
4. "SWRO" means the Southwest Regional Office of the Department.
5. "Order" means the Special Order by Consent issued to the Town of Big Stone Gap by the Department on January 5, 2004.
6. "Amendment" means this document.
7. "Town" means the Town of Big Stone Gap.

8. "Facility" or "WWTP" means the wastewater treatment plant and associated collection system owned and operated by the Town of Big Stone Gap; the WWTP is located on Second Avenue West in the Town of Big Stone Gap in Wise County.
9. "Permit" means Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0020940, issued to the Town of Big Stone Gap. The Permit was most recently reissued September 24, 2008, and will expire September 23, 2013.
10. "Inflow and Infiltration" or "I&I" means non-sewerage waters entering the sanitary sewerage collection system.

SECTION C: Basis for this Amendment

1. The Town owns and operates the WWTP and associated collection lines pursuant to the Permit. The WWTP discharges to the Powell River in the Tennessee-Big Sandy River Basin.
2. The Order was issued primarily to address overflows in certain portions of the collection system. Appendix A of the Order contained a schedule to complete I&I work that was identified in an engineering study conducted for the Town. That work was considered substantially complete in July, 2007, with final completion in August, 2007.
3. After undertaking repairs to the sewer collection system, which resulted in some mitigation of high flows at the WWTP, its capacity is still exceeded during wet weather conditions. In addition, twelve overflows have been reported in the system during the first eleven months of 2008.
4. Virginia Code § 62.1-44.5.A, Regulation 9 VAC 25-31-50.A, and Part II, Section F. Unauthorized Discharges of the Permit state that except in compliance with a certificate or permit issued by the board, it shall be unlawful for any person to discharge into state waters sewage, industrial waste, other wastes, or any noxious or deleterious substances. The Town violated the Permit and the State Water Control Law by allowing the unauthorized overflows from its Facility.
5. With receipt of the Town's Discharge Monitoring Report for April, 2008, flows at the WWTP have been reported to exceed 95% of the average daily design flow of the WWTP for three consecutive months. Part I, Section E.1 of the Permit requires that the Town submit a plan to upgrade or expand the WWTP, to address the high flows noted.
6. The Town has proposed an upgrade/expansion project for the WWTP, from its present treatment capacity of 2.0 MGD to 4.0 MGD. The Preliminary Engineering Report for this project was approved by DEQ on April 9, 2007. Final plans and specifications were

approved by DEQ by letter dated September 15, 2008. This project consists of the installation of new VFD influent pumps, a new mechanical bar screen, conversion of the existing flow equalization basin to an activated sludge reactor, flow splitter, new secondary clarifiers (sized for storm flow management), new aerobic sludge digester, a new UV disinfection system, new post aeration, and a backup generator as an alternate power source at the Aviation Road pump station. By letter dated March 5, 2008, the Town submitted a schedule for completion of the project. The contract for the project was awarded November 21, 2008. A Notice to Proceed has been issued and work has begun on the WWTP upgrade/expansion. A revised schedule for completion of the project is incorporated as Appendix A of this Amendment.

7. DEQ received an application for reissuance and modification of the Permit on February 22, 2008, which included the proposal for upgrade and expansion of the WWTP. The permit was reissued with an effective date of September 24, 2008.
8. The Town submitted a Preliminary Engineering Report entitled "Town of Big Stone Gap – Sewer System Upgrade – Preliminary Engineering Report", which is PE stamp dated February 15, 2008. The work proposed by this report consists primarily of replacement of existing 4- to 8-inch deteriorated pipes (primarily terra cotta) along existing line layouts. This Preliminary Engineering Report was approved by DEQ by letter dated March 12, 2008. By letter dated April 15, 2008, the Town identified three areas of I&I work (as identified by the Preliminary Engineering Report, and which include the areas where a majority of the reported overflows occurred) and submitted a schedule for completion of the work. Final plans and specifications were approved by DEQ by letter dated October 6, 2008. A revised schedule for completion of the work is incorporated as Appendix B of this Amendment.
9. The Town and its consultant met with DEQ staff July 13, 2007, October 16, 2007 and February 21, 2008 to resolve the Facility's compliance issues.

SECTION D: Agreement and Order

Accordingly the Board, by virtue of the authority granted it pursuant to Va. Code § 62.1-44.15 (8a), orders the Town, and the Town agrees, to perform the actions described in Appendices A and B of this Amendment. These Appendices supercede Appendix A of the Order. Both the Town and the Board understand and agree that this Amendment does not alter, amend or modify any other provision of the Order and the unmodified provisions of the Order remain in effect by their own terms.

AND IT IS SO ORDERED, this 28th day of April, 2009.

Dallas R. Sizemore
Dallas R. Sizemore, Regional Director
Department of Environmental Quality
For David K. Paylor, Director of the
Department of Environmental Quality

The Town of Big Stone Gap voluntarily agrees to the issuance of this Amendment.

By: Barbara S. Orndorff
(Name)

Date: 2-10-09

State of Virginia

City/County of WISE

The foregoing instrument was acknowledged before me this 10th day of February, 2009 by

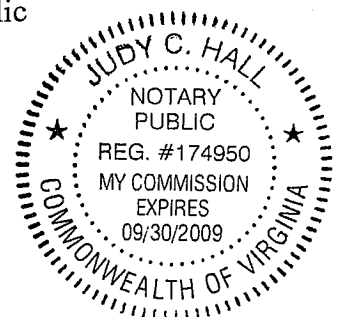
BARBARA S. Orndorff, who is MAYOR of the Town of Big Stone Gap on
(name) (title)

behalf of the Town.

02-10-09
Date

My commission expires: 09-30-2009

Judy C. Hall
Notary Public
REG # 174950



APPENDIX A

In order to comply with the provisions of the State Water Control Law and Regulations and the Permit, the Town agrees to upgrade and expand the WWTP according to the schedule noted below:

1. Complete Construction of Plant Upgrade and Expansion
in accordance with Approved Plans and SpecificationsApril 1, 2010
2. Submit quarterly progress reports on the upgrade and expansion project to the SWRO; the first report, for the reporting period January 1, 2009 through March 31, 2009, shall be due on April 10, 2009; subsequent quarterly reports shall be submitted on the same schedule until the project is completed.
3. All reports submitted to the SWRO shall be mailed to the attention of Ruby Scott, Compliance Auditor, P.O. Box 1688, Abingdon, VA 24212.

APPENDIX B

In order to comply with the provisions of the State Water Control Law and Regulations, and the Permit, the Town agrees to implement the following actions:

1. Comply with the following schedule for sewer line repair and replacement in Areas 1 through 3, as described in the letter from the Town to DEQ dated April 15, 2008. Area 1 is located on the eastern side of the downtown system, containing sections of Albemarle Street, Wood Avenue, First Avenue and the Powell River Interceptor Line; Area 2 is located in the Bullitt Park area of downtown, from Shawnee Avenue to Bullitt Park between East Second Street and Proctor Street; Area 3 is located in the Southern section of the Town's system, from 19th to 24th Street, between 3rd and 6th Avenues.
 - a. Award ContractsJanuary 31, 2009
 - b. Commence ConstructionMarch 2, 2009
 - c. Complete ConstructionApril 1, 2010
2. Eliminate overflows in the referenced areas in order to comply with its VPDES permit by April 1, 2010.
3. Provide semiannual reports to DEQ on the current progress of sewer line repair work. The reports shall include specific information regarding the Town's compliance with the schedule for sewer line repairs listed in item 1 above. The first semiannual report is due on April 10, 2009, the second on October 10, 2009; subsequent semiannual reports shall be submitted on the same schedule until the project is completed.
4. All reports to be submitted to the SWRO shall be mailed to the attention of Ruby Scott, Compliance Auditor, P.O. Box 1688, Abingdon, VA 24212.